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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,641	10/19/2000	Christopher M. Pohrer	16764-5722	8264

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EXAMINER

ARYANPOUR, MITRA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/692,641	<b>Applicant(s)</b> POHRER, CHRISTOPHER M.	
	<b>Examiner</b> Mitra Aryanpour	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "28" and "38" have both been used to designate net-supporting cable. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

1. The disclosure is objected to because of the following informalities: on page 1, lines 9 and 10, the width of the court is given only in meters, the width should also show the measurement in feet and inches; on pages 9, lines 18, 22 and page 10, lines 3, 9 and 11, the net-supporting cable 38 should be changed to net-supporting cable 28; on page 10, line 9, the distance between ends 90 and 92 has only been shown in feet, the metric equivalent should also be shown; on page 10, line 21, the height of the tensioned net is given in feet, the metric equivalent should also be shown. Appropriate correction is required to the above objections.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koole (5,308,085) in view of Burns (4,153,247).

Koole shows a game system that includes two uprights formed of two telescoping sections (2 and 3), the uprights are secured to the ground (1, see figure 1); a net (see column 3, lines 14-16) and a net-supporting cable (9), operatively connecting the net-supporting cable (9) to the upper post sections (3) of the first and second net standards in a manner so that the net is between the first and second net standards and extends downward from the net-supporting cable.

Koole further shows a tension adjusting mechanism (6) being attached to the upper post section (3) of the first net standard and being adapted to tension the net-supporting cable (9) in a taut configuration between the first and second net standards (see figures 3 and 4; column 3, lines 14-30); a drive mechanism (combination of handle 4 and untying knob 5) being adapted to move the corresponding upper post section (3) between its raised and lowered positions even when the cable is tensioned by the tension adjusting mechanism (see column 3, lines 8-13).

Koole as described above does not expressly disclose the details of the net.  
However, the use of nets such as volleyball nets having upper and lower sleeves is conventional, and also demonstrated by Burns (see figures 1 and 6). Burns shows the  
upper cable 16 and the lower cable 18 extend through the cable-receiving sleeve of the net (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a net having upper and lower edge margin forming a sleeve for receiving a cable for the device of Koole in order to provide an alternative means of securing the cable to the net.

Regarding claim 18, Koole shows a tension adjusting mechanism (6) through which vertical threaded spindle (7) extends which is operated by means of a cranked handle and it is effective to rotate a worm which is an engagement with the part of threaded spindle (7) which finds itself interior to mechanism (6). The worm gear used by Koole is considered to be art equivalent to a winch mechanism.

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koole (5,308,085) in view of Burns (4,153,247) as applied to claim 13, and further in view of Senoh (4,122,451) or Gordon (1,998,454).

Regarding claims 14-17 Koole shows the drive mechanism (combination of handle 4 and untying knob 5) comprises a rod 47 with a helical compression spring around it (see column 4, lines 56-68). However Koole as described above does not disclose the drive mechanism to be a screw-type drive mechanism wherein the screw-type drive mechanism comprises a manual mechanism such as a crank and a gear train. Screw-type drive mechanisms are well known and shown by Senoh (see figure 2) and Gordon (see figure 2), therefore it would have been obvious to use one here.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koole (5,308,085) in view of Burns (4,153,247) as applied to claim 13, and further in view of Senoh (4,122,451) or Gordon (1,998,454).

Koole as modified above meets the structural limitations of the claimed invention. Koole shows a net comprising first and second telescoping net standards; a net and cable assembly; a drive mechanism for raising and lower the net standards; and tensioning

mechanism adapted to tension the net-supporting cable in a taut configuration between the first and second net standards. Koole again shows the structure that is and had to be formed and defined and therefore discloses the recited method steps. Nevertheless, for the sake of argument, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have taken the claimed steps in order to assemble the practice device of Koole.

### *Conclusion*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes; Wheeler; Allbright; Pardi; Watterson et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 703 308 3550. The examiner can normally be reached on Monday - Friday 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703 308 2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7768 for regular communications and 703 305 3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1148.

MA

May 30, 2002

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700